THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.19332 OF 2005

Dated 2nd September 2005

Between:

D.Narayana Reddy S/o.Gurava Reddy,

Aged 45 years, R/o.Challavaripalem, Nallapadu Post,

Guntur Rural Mandal & District.

…Petitioner

And

The Deputy Transport Commissioner & Secretary,

Regional Transport Authority, Guntur, Guntur Dist.

…Respondent

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WRIT PETITION NO. 19332 OF 2005

O R D E R:

The petitioner is the owner of a transport vehicle, bearing No.AP-16U-5858, and the same is being operated in Town Service Route in Guntur. The seating capacity of the vehicle is 50 in all. He submitted an application to the respondent, with a request to reduce the seating capacity to 30. The same was rejected, through order dated 2.4.2004. Aggrieved thereby, the petitioner preferred a revision, being R.P.No.130 of 2004, before the State Transport Appellate Tribunal, Hyderabad. Through its order, dated 5.07.2004, the appellate tribunal allowed the revision, and directed the respondent herein, to accord approval for reduction of the seating

capacity from 50 to 30, within a period of one month. Petitioner states that the vehicle needed certain major repairs, and thereby, could not be operated, for quite a reasonable time. In the mean while, the time stipulated by the appellate tribunal, had expired. The application of the petitioner for implementing the order passed by the appellate tribunal, was rejected by the respondent on 17.6.2005, on the sole ground that the time stipulated by the appellate tribunal had expired. Hence, this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

The relief of reduction of seating capacity, which was initially denied by the respondent, was granted by the appellate tribunal. It is true that the appellate tribunal stipulated time for giving effect to its order. The petitioner states that the benefit could not be availed by him, on account of the fact that the entire records were produced before the respondent herein, and that the vehicle needed major repairs. It is not as if the petitioner derived any benefit of the order, on an earlier occasion, or that the department is put to any loss, on account of the delay in implementing the order of the appellate tribunal.

For the foregoing reasons, the writ petition is allowed, and the respondent herein is directed to permit the petitioner, to avail the benefit of the order passed by the appellate tribunal, as regards the reduction of seating capacity, within four weeks from today, duly complying with other requirements. There shall be no order as to costs.

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2nd September 2005

Note: C.C. in three days.

(B/o)

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